

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASTELLAS PHARMA INC., ASTELLAS
IRELAND CO., LTD. and ASTELLAS
PHARMA GLOBAL DEVELOPMENT, INC.,

Plaintiffs,

v.

SANDOZ INC., et al.,

Defendants.

C.A. No. 20-1589-JFB-CJB

ASTELLAS PHARMA INC., ASTELLAS
IRELAND CO., LTD. and ASTELLAS
PHARMA GLOBAL DEVELOPMENT, INC.,

Plaintiffs,

v.

AUROBINDO PHARMA LTD., et al.,

Defendants.

C.A. No. 21-425-JFB

ASTELLAS PHARMA INC., ASTELLAS
IRELAND CO., LTD. and ASTELLAS
PHARMA GLOBAL DEVELOPMENT, INC.,

Plaintiffs,

v.

SANDOZ INC.,

Defendant.

C.A. No. 21-664-JFB-CJB

STIPULATION AND [PROPOSED] ORDER REGARDING CASE CONSOLIDATION

This stipulation is entered into by and between Plaintiffs Astellas Pharma Inc., Astellas Ireland Co., Ltd., and Astellas Pharma Global Development, Inc. (collectively, “Plaintiffs” or “Astellas”) and Defendants Sandoz Inc., Actavis Elizabeth LLC, Actavis LLC, Teva Pharmaceuticals USA, Inc., Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc., Aurolife Pharma LLC, Sawai Pharmaceutical Co., Ltd., Sawai USA, Inc., Zydus Pharmaceuticals (USA), Inc., Cadila Healthcare Limited (d/b/a Zydus Cadila), Lupin Ltd., and Lupin Pharmaceuticals, Inc. (collectively, “Defendants”).

WHEREAS, Astellas filed a complaint for patent infringement against Defendants¹ on November 24, 2020 (Civil Action No. 20-1589-JFB-CJB, the “First Action”), and a Scheduling Order has been entered (*see* D.I. 88);

WHEREAS, Astellas filed a second complaint for patent infringement against certain of the Defendants, including Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc., Aurolife Pharma LLC, Actavis Elizabeth LLC, Actavis LLC, Teva Pharmaceuticals USA, Inc., Zydus Pharmaceuticals (USA), Inc., Cadila Healthcare Limited (d/b/a Zydus Cadila), Lupin Ltd., and Lupin Pharmaceuticals, Inc. on March 24, 2021 (Civil Action No. 21-425-JFB, the “Second Action”), and a Scheduling Order has not yet been entered;

WHEREAS, Astellas filed a third complaint for patent infringement against Sandoz Inc. on May 7, 2021 (Civil Action No. 21-664-JFB-CJB, the “Third Action”), and a Scheduling Order has not yet been entered;

¹ Actavis LLC was later dismissed from the 20-1589-JFB-CJB action by stipulation (D.I. 56).

WHEREAS, the asserted patent in the First Action, Second Action, and Third Action is the same (United States Patent No. 10,842,780);

WHEREAS, the same accused products are involved in First Action, Second Action, and Third Action;

WHEREAS, the First Action, Second Action, and Third Action involve common issues of law and fact and consolidation will enable more efficient case management by the Court and avoid unnecessary costs and delays by avoiding duplicative discovery and motion practice in each case;

WHEREAS, the parties agree that it would be most efficient for these three actions to be jointly-administered for all purposes; and

WHEREAS, this stipulation does not affect the deadlines set forth in the Scheduling Order that was entered in the First Action (*see* D.I. 88), which the parties agree should be maintained;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their undersigned counsel, and subject to the approval of the Court, that:

1. Pursuant to Federal Rule of Civil Procedure 42(a), the above-captioned actions are consolidated for all purposes.

2. Civil Action No. 20-1589-JFB-CJB shall be the lead case, and all future filings in the First Action, Second Action, and Third Action shall be made only in Civil Action No. 20-1589-JFB-CJB (the “Consolidated Action”).

3. All future filings shall include the following caption:

ASTELLAS PHARMA INC., ASTELLAS
IRELAND CO., LTD. and ASTELLAS
PHARMA GLOBAL DEVELOPMENT, INC.,

Plaintiffs,

v.

SANDOZ INC., et al.,

Defendants.

C.A. No. 20-1589-JFB-CJB
(Consolidated)

4. All deadlines set forth in the Scheduling Order in Civil Action 20-1589-JFB-CJB (D.I. 88) remain unchanged unless otherwise agreed to by the parties or ordered by the Court, and shall equally apply to the Consolidated Action.

Dated: August 5, 2021

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IT IS SO ORDERED this _____ day of _____, 2021.

United States District Judge